IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Crl.L.P..No. 898 of 2007

CC.84/2002 of J.M.F.C.,N. PARAVUR

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PETITIONER/COMPLAINANT

KANNAN, S/O.SUBRAMANIAN, KONDIYARA
VEEDU, MALYANKARA, MOOTHAKUNNAM VILLAGE,

BY ADV. SRI.S.RAJEEV

RESPONDENTS: ACCUSED & STATE

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1. DHARMAN, S/O.SANKARAN, NEELIMATHARA
VEEDU, MALYANKARA, MOOTHAKUNNAM.

2. LAIJU, S/O.DHARMAN, NELLIMATHARA
VEEDU, MALYANKARA, MOOTHAKUNNAM.

3. RAJAMMA, W/O.DHARMAN, NELLIMATHARA
VEEDU, MALYANKARA, MOOTHAKUNNAM.

4. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P.SRI.THOMAS JOHN AMBOOKKAN FOR R4

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. Thankappan, J.

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Crl.L.P. No. 898 of 2007

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Dated this the 9th day of October, 2007

O R D E R

This is a petition to special leave to appeal filed by the complainant in C.C.No.84/2002 on the file of the Court of the Judicial First Class Magistrate, N. Paravur. In the complaint it is stated that respondents 1 to 3 trespassed into the property, destroyed fencing upto a length of 15 feet and drawn pipe line through the property and thereby committed the offences punishable under sections 447 and 427 IPC. To prove the case against them, PWs.1 to 4 were examined and Exts.P1 to P3 were marked. On closing the evidence adduced on behalf of the petitioner, respondents 1 to 3 were examined. They denied the allegation contained in the complaint and stated that they had not committed any trespass or mischief into the property. On the side of the defence, DWs.1 and 2 were examined and Exts.D1 to D6 were marked. After considering the entire evidence, the trial court found that "**from the available evidence in this case, it cannot come to a conclusion that the accused trespassed into the property of the complainant and committed mischief to the tune of Rs.200/- with a view to draw water connection through his property"**.

2. After going through the entire evidence and on hearing the counsel on both sides, this Court is of the view that the judgment under appeal requires no interference by this Court. There is no compelling circumstances to interfere with the impugned judgment. Hence, the Hence, leave to appeal is rejected.

K. Thankappan,
Judge.

mn.

K.Thankappan,J.

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Crl.l.P.No. /200

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ORDER

-6-2007